

Lawyers' Advisory Committee Minutes

September 19, 2006

Trenton, NJ

Chairperson John Morton opened the meeting with Chief Judge Wizmur and Judges Ferguson, Lyons, Steckroth in attendance.

1. Welcomed New Members

2. The minutes from June 14, 2006 meeting were approved.

3. Committee Reports

A. Chapter 13 subcommittee

1. Jaimie B. Finberg presented the proposed form certification in support of motion for authority to obtain post-petition financing and form order to the LAC and recommended same be sent to the Board of Judges for review.

Chief Judge Wizmur questioned why the certification was from the "attorney" as opposed to the debtor.

2. Comfort Order [no stay invoked] tabled due to recent case law, In re Murray.

B. Attorney discipline mentor committee- Bunce Atkinson-no report.

C. Clerks report- Jim Waldron reported that there was a 60 % reduction in filings as well as a reduction of 25 positions in the clerks office. There were recent changes out of the Bankruptcy Rules Committee approving rule changes and form changes. There was an increase in Chapter 11 filing (24 cases in August).

D. Liason Report

1. District Court-no report
2. U.S. Trustee- Martha Hildebrand reported that Al Russo was appointed as Chapter 13 Standing Trustee (Trenton) and Michael Kaplan was appointed to the Bench. Debtor "desk audits" to begin October 20, 2006 per statute. Cases are selected at random from Washington. Two audit firms have been approved. The auditors will

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be filing reports themselves. Identity theft in bankruptcy court-handout was provided. John Morton raised issue that oppositions are sometimes filed that include a debtor's bank statements without redacting private information.

3. IRS- No report
4. Attorney General-No report
5. NJ Bankruptcy Bar Section- No report.

4. Old Business

- A. Auctioneer Fees-Warren Martin reported that a local rule for fees needs to be reviewed. 17 states also have rules on auctioneer compensation. The committee will meet again and make recommendations.**
- B. Form Certifications and orders for refinance in Chapter 13- [see chapter 13 committee report above]**
- C. Secured creditors claims for fees for post-petition services – chapter 13 committee to review further. Chief Judge Wismur requested Chapter 13 Sub-Committee review whether there should be a general increase in fees “automatically” awarded to secured creditors in conjunction with motions for relief, certification of default, etc.**

5. New Business

1. John Morton- Lease Assumption in Chapter 7 Under 365(p) and whether court hearings are necessary to approve them-LAC determined this was not an issue it was going to review.
2. John Morton-Hearing on reaffirmation agreements; under what circumstances and at the request or direction of whom are they scheduled. LAC determined this was not an issue it was going to review.
- A. Procedure for secured creditors seeking 506(b) fees. Judge Ferguson requested the chapter 13 committee review whether this can be done and, if so, what is the proper procedure? Fee application vs local rule.**
- B. Development of market information on photocopying charges in light of Inter Faith Community Org Vs. Honeywell, 436 f.3d 694, key note 34.**

A survey should be done to determine cost of photocopying, faxing, phone – Jim Waldron to do survey. LAC to also do survey of what each member is charging non-bankruptcy clients.

C. Recommendation on LAC position regarding widespread use of pre-signed certifications – LAC did not make a recommendation.

D. Updates to Court website to reflect present members of LAC and other changes.

Jim Waldron will review.

E. Nona Ostrove spoke about NJ FLIP. There are two training sessions and they are looking for volunteers. Len Wizmur suggested the NJ State Bar Foundation may be able to assist.

Closing Remarks:

Jaimie Finberg was appointed Vice Chair of LAC to replace John Morton.

Next meeting December 6, 2006 location to be announced.

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